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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,525	02/10/1999	MASAKI HAYASHI	102731	7732
25944	7590	03/26/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2615	17

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/247,525

Applicant(s)

HAYASHI, MASAKI

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/29/2003 with respect to claims 1, 3, 5 & 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al (US 6,654,498).

Regarding claim 1, Takahashi discloses an electronic camera having continuous shooting function (see Figs. 1 & 9 for moving image mode at step S21) comprising:

an image capturing unit (102) that captures the subject image (Fig. 1);

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a setting unit (113) that sets operation parameters related to image processing performed during image capturing (Figs. 1, 7-9; col. 6, lines 40-59 for different operation parameters manually set by the user or automatically set by the camera);

a resolution conversion unit (151) that performs resolution conversion on image data of the image captured by the image capturing unit in correspondence to a resolution set at the setting unit (Fig. 2; col. 3, lines 38-41);

an image compression unit (154-157) that performs image compression on image data converted by the resolution conversion unit in correspondence to a compression factor set at the setting unit (Fig. 2; col. 3, line 47 - col. 4, line 25);

continuous shooting unit (microcomputer 114) that performs continuous shooting of a subject by continuous driving the image capturing unit, the resolution conversion unit and the image compression unit (Figs. 1 & 2; col. 3, line 13 and note that control circuit 106 is also controlled by microcomputer 114);

the resolution conversion unit is capable of performing resolution conversion at least at a high resolution and at a low resolution that is lower than the high resolution (Figs. 7- 9 for the number of pixels to be thinned out corresponding to each resolution set at the setting unit for setting A, B, C or manual mode);

the image compression unit is capable of performing image compression at least at a low compression factor and at a high compression factor that is higher than the low compression factor (Figs. 7-9 for the compression rate set at setting A, B, C or manual mode);

the compression unit is capable of performing image compression at the low compression factor when the resolution is set to low resolution (see Figs. 7 & 9 and col. 6, lines 53-59 for

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manual mode wherein the compression rate can be set to any rate and the number of pixels per frame (resolution) can be set to any rate as desired by the user in that encompasses the above limitation);

when the continuous shooting unit executes continuous shooting, the image compression unit performs compression at high compression factor regardless of the compression factor set at the setting unit if the resolution is set to low resolution (see Figs. 8 & 9 at step S20 and col. 11, lines 39-46 for the full auto mode wherein the moving image mode is always set to setting B at step S22 as default setting that comprises high compression factor and low resolution regardless any other settings A, C or manual).

It should be noted that “if” is met by the setting B itself.

Regarding claim 2, as shown in Fig. 9, the full auto mode uses the setting B without having to change the settings for the resolution and compression factor that have been set by the setting unit for sport mode that also has the same setting B.

Regarding claim 3, see the analysis in claim 1, wherein the continuous shooting unit executes continuous shooting, the resolution conversion unit performs resolution at the low resolution regardless of the resolution set at the setting unit if the compression factor is set to high compression factor.

Regarding claim 4, see the analysis in claim 2.

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Regarding claim 5, see the analysis in claim 1. Furthermore, the frame rate can be set to different rates (i.e., 15 or 30 frames per second) as shown in Figs. 10A and 10B in view of Figs. 7 & 8.

Regarding claim 6, see the analysis in claim 2.

Regarding claims 7 & 8, see the analysis in claims 1 & 2, respectively.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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